

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

IN RE:

**MARIA PEREZ**

**CASE NO.: 9:15-BK-03389-FMD**

**CHAPTER: 13**

**Debtors.**

**OBJECTION TO CHAPTER 13 PLAN**

**OneWest Bank N.A.** (“Creditor”) by and through its undersigned attorney, objects to the Chapter 13 Plan (the “Plan”) [DE #17] filed by the Debtor, and states as grounds therefore:

1. Creditor is the first mortgagee of real property located at 1163 Whitehead Creek Loop, Fort Myers, FL 33916
2. Creditor is the holder of a Note and recorded Mortgage dated September 14, 2006, originally given to Jose Perez (the “Borrower”).
3. The Note and Mortgage give Creditor a first mortgage lien on the Subject Property.
4. On or around July 15, 2011, the Borrower died.
5. Maria Perez (the “Debtor”) is the Non-Borrowing Spouse of the Borrower.
6. The Plan proposes paying the loan directly and \$17,622.77 in arrearages.
7. Debtor is attempting an assumption of the reverse mortgage. Creditor requires \$5,746.41, comprising of insurance and tax deficiencies, be paid by February 5, 2016 as a condition of the assumption.

8. Furthermore, Creditor requires they be removed from the Plan, as the Debtor has not assumed the mortgage, as of current.
9. Creditor reserves the right to supplement this response in the future.

WHEREFORE, Creditor respectfully requests that this Honorable Court sustain the objection and deny confirmation of the Plan.

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By: /s/Scott Lewis, Esq.  
Florida Bar No.: 112064

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 29th day of January, 2016, I served a copy of the foregoing Notice of Appearance and Request for Service via Regular U.S. Mail and/or Electronic Mail to the parties listed on the attached service list.

**SERVICE LIST**

Maria Perez  
1163 Whitehead Creek Loop  
Fort Myers, FL 33916

Henry Hernandez  
Navarro Hernandez, P.L.  
P.O. Box 34-7650  
Coral Gables, FL 33234

Jon Waage  
P O Box 25001  
Bradenton, FL 34206-5001

United States Trustee - FTM7/13, 7  
Timberlake Annex, Suite 1200  
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Tampa, FL 33602

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